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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/711,769	10/04/2004	Claes-Goran LINDEN	7298.143.PCUS00	5768
28694	7590	12/29/2005	EXAMINER	
NOVAK DRUCE & QUIGG, LLP 1300 EYE STREET NW 400 EAST TOWER WASHINGTON, DC 20005			VANterPOOL, LESTER L	
			ART UNIT	PAPER NUMBER
			3727	

DATE MAILED: 12/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/711,769	LINDEN, CLAES-GORAN	
	Examiner	Art Unit	
	Lester L. Vanterpool	3727	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☒ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. Regarding claim 1, the word "means" is preceded by the word(s) "for" in an attempt to use a "means" clause to recite a claim element as a means for performing a specified function. However, since no function is specified by the word(s) preceding "means," it is impossible to determine the equivalents of the element, as required by 35 U.S.C. 112, sixth paragraph. See *Ex parte Klumb*, 159 USPQ 694 (Bd. App. 1967).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 2, 4 - 7, 9 - 12, 14 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Scheuch (German Patent Number DE 10101084 A1). Scheuch discloses the foot part having the base part (6) and the housing part, the foot part having a lower end for mounting on a roof edge area on the vehicle, the foot part having a clamping plate (8c) for securing the foot part to the roof of the vehicle, the clamping plate (8c) having integral gripping (11) for gripping a body fold located under a body edge area of

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the vehicle, the clamping plate (8c) being in pivotable engagement with the foot part with the tightening arrangement (45a), the foot part and the clamping plate (8c) each having contact faces which are located under the pivot pin (41a) when the load carrier foot is secured to the vehicle roof, wherein faces interact in a locking manner to prevent the clamping plate (8c) from turning about the pivot pin (41a) and causing the gripping (11) to lose its grip on the body fold when the clamping plate (8c) is tightened against the foot part, wherein the pivot pin (41a) is pivotably connected to the foot part each having contact located above the pivot pin (41) and which interact in a locking manner, and which further prevent the clamping plate gripping (11) from losing its grip on the body fold when the clamping plate (8c) is tightened by the tightening arrangement (45a).

See Figure 5.

Regarding claim 2, as stated above in claim 1, Scheuch, teaches the pivot pin (41a) connected to walls that are included in the housing part. See Figure 5.

Regarding claim 4, as stated above in claim 1, Scheuch teaches the tightening mechanism (45a) includes the screw threaded (45b) into a tapped hole (46) in the pivot pin (46a). See Figure 5.

Regarding claim 5, as stated above in claim 1, Scheuch teaches the clamping plate (8c) is movable in a downward direction with respect to the foot part to enable the contact faces to become separated to remove the load carrier foot from the roof of the

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vehicle. Scheuch clamping plate is movable downward above the pivot pin enabling the contact faces to become separated. See Figure 5.

Regarding claim 6, Scheuch teaches the foot part having an upper end to attach to the load carrier bar (2) and the lower end to mount on the roof edge area; the clamping plate (8c) for gripping a body fold of the vehicle, the clamping plate being coupled to the foot part by the tightening mechanism (45a) and the pivot pin (41a) in pivotable engagement with the foot part, wherein the foot part and the clamping plate (8c) each provide contact faces above and below the pivot pin (41a), wherein the contact faces interacting in a locking manner to prevent the clamping plate from turning about the pivot pin (41a) and losing a grip the body fold when the clamping plate is tightened against the foot part. See Figures 1 and 5.

Regarding claim 7, as stated above in claim 6, Scheuch teaches the pivot pin (41a) connected to walls that are included in the housing part. See Figure 5.

Regarding claim 9, as stated above in claims 6, Scheuch teaches the tightening mechanism (45a) includes the screw threaded (45b) into a tapped hole (46) in the pivot pin (46a). See Figure 5.

Regarding claim 10, as stated above in claim 1, Scheuch teaches the clamping plate (8c) is movable in a downward direction with respect to the foot part to enable the

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contact faces to become separated to remove the load carrier foot from the roof of the vehicle. Scheuch clamping plate is movable downward above the pivot pin enabling the contact faces to become separated. See Figure 5.

Regarding claim 11, Scheuch teaches the foot part having an upper end to attach to the load carrier bar (2), and the lower end to mount on a roof edge area; the clamping plate (8c) for securing the foot part to the roof of the vehicle, the clamping plate having a gripping capabilities (11) to grip a body fold of the vehicle, the clamping plate being coupled to the foot part by tightening and the pivot pin (41a) in pivotable engagement with the foot part, wherein the foot part and the clamping plate (8c) are each provide with contact faces above and below the pivot pin (41a), the contact faces interacting in a locking manner to prevent the clamping plate (8c) from turning about the pivot pin (41a) and causing the gripping capabilities (11) to lose its grip on the body fold when the clamping plate (8c) is tightened against the foot part. See Figure 5.

Regarding claim 12, as stated above in claim 11, Scheuch teaches the pivot pin (41a) connected to walls that are included in the housing part. See Figure 5.

Regarding claim 14, as stated above in claims 11, Scheuch teaches the tightening mechanism (45a) includes the screw threaded (45b) into a tapped hole (46) in the pivot pin (46a). See Figure 5.

Regarding claim 15, as stated above in claim 1, Scheuch teaches the clamping plate (8c) is movable in a downward direction with respect to the foot part to enable the contact faces to become separated to remove the load carrier foot from the roof of the vehicle. Scheuch clamping plate is movable downward above the pivot pin enabling the contact faces to become separated. See Figure 5.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Scheuch (German Patent Number DE 10101084 A1) as applied to claim 1 above, in view of Bronson (U. S. Patent Number 3638844). Scheuch teaches everything except for the housing part having walls formed with channels into which the pivot pin is seated. Bronson teaches a similar foot part (36) having the housing part (38) with walls formed with channels (40) (column 3, line 44 – 46) into which the pivot pin (64) is seated. See Figure 2. It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the housing part walls with channel as taught by Bronson to improve the vertical stiffening of the housing to endure the stress forces and pressures placed on the foot part when tightening the clamp to the vehicle.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Scheuch (German Patent Number DE 10101084 A1) as applied to claim 6 above, in view of Bronson (U. S. Patent Number 3638844). Scheuch teaches everything except for the housing part having walls formed with channels into which the pivot pin is seated. Bronson teaches a similar foot part (36) having the housing part (38) with walls formed with channels (40) (column 3, line 44 – 46) into which the pivot pin (64) is seated. See Figure 2. It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the housing part walls with channel as taught be Bronson to improve the vertical stiffening of the housing to endure the stress forces and pressures placed on the foot part when tightening the clamp to the vehicle.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Scheuch (German Patent Number DE 10101084 A1) as applied to claim 11 above, in view of Bronson (U. S. Patent Number 3638844). Scheuch teaches everything except for the housing part having walls formed with channels into which the pivot pin is seated. Bronson teaches a similar foot part (36) having the housing part (38) with walls formed with channels (40) (column 3, line 44 – 46) into which the pivot pin (64) is seated. See Figure 2. It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the housing part walls with channel as taught be Bronson to improve the vertical stiffening of the housing to endure the stress forces and pressures placed on the foot part when tightening the clamp to the vehicle.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lester L. Vanterpool whose telephone number is 571-272-8028. The examiner can normally be reached on Monday - Friday (8:30 - 5:00) EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Newhouse can be reached on 571-272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LLV


JES F. PASCUA
PRIMARY EXAMINER